CLR No. 88 of 2004

Hon. P.C. Pant, J.

Heard learned counsel for the revisionist and perused the impugned order dated 06.11.2004 passed by learned trial court in civil suit No. 47 nos. 2 & 3 have been decided in favour of the plaintiff/respondent.

Learned counsel for the revisionist submitted that learned trial court has wrongly exercised the jurisdiction to try the suit in view of the provision of Section 331 of the U.P. Z.A. & L.R. Act, 1950. Perusal of the papers show that the impugned main relief in the suit was for demolition of the construction. As such, even if the disputed land is recorded as agricultural land, the relief of demolition of construction would not have been granted by the Revenue Court as such there appears no illegality in the finding on issue no. 2. Similarly, as to the finding on issue no. 3, I am unable to agree with the learned counsel for the revisionist that valuation of the suit should have been made on the basis of the revenue payable on the land, for the reason that since the suit was for demolition of construction, the respondent has rightly valued the suit by considering value of the construction raised over the land in question.

The revision is devoid of merits and is dismissed summarily.

(P.C. Pant, J.)

December 09, 2004
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